



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/710,026

11/07/2000

John E. Dolan

KLR 7146.098

4960

7590

05/06/2005

Kevin L Russell
601 SW Second Ave
Suite 1600
Portland, OR 97204-3157

EXAMINER

GIBBS, HEATHER D

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/710,026	DOLAN ET AL.	
	Examiner	Art Unit	
	Heather D Gibbs	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2622

DETAILED ACTION

Response to Amendment

1. The amendment filed on 07/02/04 has been entered and made of record. Claims 1/-46 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5,8-9,14-15,17-18,21-22,24-30,34-35,40-41,43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda (US 6,204,932) in view of Ett (US 5,298,731).

For claims 1 and 25-29, Haneda discloses a method of processing an image comprising: sensing an image from an original document (col. 11, lines 5-17), modifying the image by a first process to compensate for non-uniformities of sensing the image (col. 17, lines 17-44); modifying the image by a second process based upon the image itself (col. 17, lines 58-65); creating a print ready data stream as a result of the modifications of the previous steps (col. 17, line 66 - col. 18, line 14); providing a print ready data stream of the image to a third process; modifying the image of the print ready data stream by the third

Art Unit: 2622

process (col. 18, lines 16-24) including *mirroring at least a portion of image of the print ready data stream (col. 20, lines 8-14).*, and providing the modified image as a result of the previous step to an output device (col. 18, lines 31-33)..

Haneda does not disclose expressly modifying said image of said print ready data stream by said third process including at least one of horizontally cloning at least a portion of said image of said print ready data stream; vertically cloning at least a portion of said image of said print ready data stream.

Ett discloses modifying said image of said print ready data stream by said third process including at least one of horizontally cloning at least a portion of said image of said print ready data stream; vertically cloning at least a portion of said image of said print ready data stream (Fig 9; Col 7 Lines 35-55).

Haneda & Ett are combinable because they are from the same field of endeavor and both use printers, which print and read orthogonal patterns.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Haneda's systems with the teaching of Ett.

The suggestion/motivation for doing so would have been to carry out codes/images in the same space without interaction, as taught by Ett.

Therefore, it would have been obvious to combine Ett with Haneda to obtain the invention as specified in claims 1,25-29.

For claims 2, 15, and 41, Haneda discloses a method of processing an image wherein the sensing is performed by a copy machine (col. 1, lines 11-22).

For claim 3, Haneda fails to directly teach that a facsimile machine performs the sensing. However, Haneda discloses that the sensing is performed by an image scanner or

Art Unit: 2622

by photoelectric conversion (abs., lines 1-3. col. 1, lines 1-10). Therefore it would obvious to one of ordinary skill in the art at the time the invention was made to consider that a facsimile machine would qualify as an image sensing apparatus as disclosed.

For claim 4, Haneda discloses a method of processing an image wherein the sensing is performed by a scanner (abs., lines 1-3).

For claims 5 and 30, Haneda discloses a method of processing an image wherein the output device is a printer (col. 18, lines 31-33).

For claims 8, 17, 34, and 43, Haneda discloses a method of processing an image wherein the third process includes mirroring at least a portion of the image of the print ready data stream (col. 18, lines 16-24. col. 20, lines 8-14).

For claims 9, 18, 35, and 44, Haneda discloses a method of processing an image wherein the third process includes mirroring the entire image (col. 20, lines 8-14).

For claims 14 and 40, Haneda discloses a method of processing an image comprising: sensing an image from an original document (col. 11, lines 5-17)', modifying the image by a first process to compensate for non-uniformities of sensing the image (col. 17, lines 17-44); modifying the image by a second process based upon the image itself (col. 17, lines 58-65); selecting a first mode, a second mode and a third mode; the first mode modifying the image by performing *mirroring of at least a portion of the image* (col. 18, lines 16-24, ' col. 20, lines 8-14),. a second mode comprising storing the image within a buffer (col. 4, lines 57-63); and providing the modified image to an output device (col. 18, lines 31-33).

Haneda does not expressly disclose horizontally cloning at least a portion of said image, while said first mode is free from vertically cloning of said image.

Art Unit: 2622

Ett discloses horizontally cloning at least a portion of said image, while said first mode is free from vertically cloning of said image (Fig 9; Col 7 Lines 35-55).

Haneda & Ett are combinable because they are from the same field of endeavor and both use printers, which print and read orthogonal patterns.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Haneda's systems with the teaching of Ett.

The suggestion/motivation for doing so would have been to carry out codes/images in the same space without interaction, as taught by Ett.

Therefore, it would have been obvious to combine Ett with Haneda to obtain the invention as specified in claims 14,40.

For claim 21, Haneda discloses a method of processing an image comprising: sensing an image from an original document (col. 11, lines 5-17); modifying the image by a first process to compensate for non-uniformities of sensing the image (col. 17, lines 17-44); modifying the image by a second process based upon the image itself (col. 17, lines 58-65); storing the image in a compressed form in a buffer if the modified image requires sufficiently less memory for storing than the size of the buffer (col. 5, lines 35-52., col. 9, lines 18-37).

For claim 22, Haneda fails to directly teach that the image is sensed a first time to determine if the modified image requires sufficiently less memory for storing than the size of the buffer, and the image is sensed a second time to store the resulting modified sensed image in the buffer.

However, Haneda discloses compression mode selections wherein the priority may be set for a higher image quality or a compression rate (col. 9, lines 12-59). It would have

Art Unit: 2622

been obvious to one of ordinary skill in the art at the time the invention was made to consider that the apparatus of Haneda would consider the size of the image data and apply the proper steps in accordance with the memory/quality priority, which has been set.

For claim 24, Haneda discloses a method of processing an image wherein the compressed image is provided to an output device multiple times free from re-sensing the original document (col. 21, lines 46-51).

5. Claims 6-7,10-13,16,20, 31-32,36-39,42,45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda (US 6,204,932) in view of Ett (US 5,298,731) and further in view of Rourke (US 5,191,429).

For claims 6, 7, 16, 31, 32 and 42, Haneda fails to disclose that the output device is a print ready file transferred across a network. Rourke discloses that the output device can be a file (col. 4, lines 25-40), which could be transferred over a network (col. 2, lines 46-54). It would obvious to one of ordinary skill in the art at the time the invention was made to combine the ability of Rourke to store the data in a file to the document scanning system of Haneda because both teach image reading apparatuses which perform image processing on a document prior to printing. The improvement on Haneda by Rourke would provide more options for use of the image data such as, transferring over a network or printing at a later date.

For claims 10-13, 19, 20, 36-39, 45-46, Rourke discloses vertically and horizontally cloning the entire image (col. 1, line 60 - col. 2, line 4. col. 6, lines 22-34; col. 7, lines 55-67).

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda (US 6,024,932) in view of Ett (US 5,298,731) as applied to claim 21 above, and further in view

Art Unit: 2622

of Miura (U.S. Patent No. 5,533,171). For claim 23, Haneda fails to disclose that the modified image is simultaneously provided to an output device and stored in a buffer. Miura discloses that the modified image is simultaneously provided to an output device and stored in a buffer (col. 14, lines 48-52).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

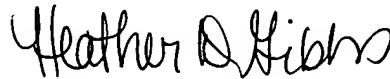
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs
Examiner
Art Unit 2622

hdg



TWYLER LAMB
PRIMARY EXAMINER